

Remarks

Claims 35-56 are pending in the subject application. Applicants note that the Restriction Requirement indicates that Groups 1-5 consist of claims 35-48 and 53. However, Applicants respectfully assert that claims 49-52 are encompassed within the invention of Groups 1-5. By this Amendment, Applicants has canceled claims 35-56 and rewritten the elected Groups of claims (claims 1-5) as new claims 57-86, which read on the elected invention. Accordingly, claims 57-86 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Applicants respectfully traverse the restriction requiring the election of a single peptide and the restriction of the various methods for examination in view of the new claim set. As the Examiner is aware, this application is a national stage application and is subject to the unity of invention rules for restriction. The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept. The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. Additionally, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

Applicants note that the restriction requirement argues that "the only common technical feature" among the claimed invention is "a method of reducing leukocyte migration" which can be practiced with materially different products. However, Applicants respectfully submit that this is not the case for the presently claimed invention. In the case of the instant invention, it is respectfully submitted that MCP proteins encompassed by new claim 57 are related in structure and contain the

same special technical feature. Particularly, the special technical feature among the recited polypeptides comprises the amino acid substitutions at amino acid positions 18 and 19. As schematically shown in Figure 1B of the patent application, all proteins are based on the substitution of amino acids at positions 18 and 19 (boxed; amino acid numbering based upon the sequence of mature human MCP-1). The second group of proteins (*i.e.*, those containing, in addition to mutations at positions 18 and 19, one or more substitutions at positions 24, 44, 49, 58, 66 or 75 (underlined)) shares, with the first group, the substitution of amino acids at positions 18 and 19. Accordingly, because the special technical feature of the claimed invention, the substitution of amino acids at positions 18 and 19 of the human MCP polypeptide, is shared, reconsideration and withdrawal of the restriction requirement is respectfully requested.

Applicants invite the Examiner to call the undersigned if clarification is needed or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,

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